

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**In re:** : **Chapter 13**  
**Eleanor J. Giamusso,** :  
**Debtor** : **Case No. 5:16-bk-04155**

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**Eleanor J. Giamusso,** :  
**Plaintiff** :  
:  
**V.** :  
:  
**First Union Home Equity Bank, N.A.;** :  
**Wells Fargo Minnesota, National** :  
**Association, f/k/a Norwest Bank** :  
**Minnesota, National Association, as** :  
**Trustee under the Polling and Servicing** :  
**Agreement dated as of December 1, 1997,** :  
**Series 1997-3; Wells Fargo Bank,** :  
**National Association,** :  
**Defendants** : **Adv. No. 5:21-ap-00045**

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**MOTION FOR JUDGMENT BY DEFAULT**

AND NOW COMES the Debtor/Plaintiff, Eleanor J. Giamusso,, by and through undersigned Counsel, and pursuant to Federal Rule of Civil Procedure 55(a), as made applicable to the within proceeding as per Bankruptcy Rule 7055, and Local Rule of Bankruptcy Procedure 7055-1, respectfully moves this Honorable Court as follows:

1. On November 19, 2021, Debtor/Plaintiff filed an Adversary Complaint against the above-captioned Defendants seeking an accounting of her mortgage obligation so as to permit the Debtor to complete her Chapter 13 Plan; all other payments due other the Plan have been made except for the last payment that is to be based upon a final

accounting from the mortgage holder(s).

2. As set forth on the Certificate of Service filed with this Court, the Complaint, along with the Summons issued by the Court, was served on all Defendants via certified mail and first class mail.

3. Pursuant to the Summons, answers to the Complaint were to be filed on or before December 22, 2021.

4. To date, no answers or other responses to the Complaint have been filed by any Defendant.

5. Neither Defendant is an infant, incompetent person, or in the military service; all Defendants are financial institutions, banks, or service companies.

6. Debtor/Plaintiff has filed with the Clerk of this Court an Application for Entry of Default against each named Defendant.

**WHEREFORE**, Plaintiff/Debtor prays that this Court to enter a Default Judgment against each named Defendant, schedule a hearing on the Plaintiff's request for determination of an accounting, and for such other relief as is just and equitable.

Respectfully submitted,



Ronald V. Santora, Esq.  
Pa. # 35061  
1188 Wyoming Avenue  
Forty Fort, PA 18704  
(570) 287-3660  
[rsantora@bressetsantora.com](mailto:rsantora@bressetsantora.com)